

MINUTES
BOARD OF ADJUSTMENT
TOWNSHIP OF BERKELEY HEIGHTS, NEW JERSEY

Conference Meeting

March 10, 2016

The Regular Meeting of the Board of Adjustment was called to order at 7:30 p.m. in the Public Meeting Room.

It was confirmed that the meeting was being held in conformance with all regulations of the SUNSHINE LAW and proper notice had been given to the Courier News; also, the Agenda had been posted in Town Hall, Board Office, and supplied to the Township Clerk at least forty-eight hours prior to the meeting. The Agenda items will not necessarily be heard in the order listed and the meeting will not continue significantly past 10:30 p.m.

Roll Call:

Members present were Mr. Sullivan, Mr. Smith, Mr. Nappi, Mr. Delia, Mr. Sylvester and Mr. Mustacchi. Mr. Miller, Mr. Boyer, and Mr. Siburn were absent. Mr. Daniel Bernstein, Board Attorney, was also present.

Adoption of Minutes:

February 25, 2016, Regular Meeting

A motion was made by Mr. Mustacchi, seconded by Mr. Sullivan, and carried by unanimous voice vote to adopt the minutes of the February 25, 2016, Regular Meeting as presented.

App.#4-16: David & Joe Peluso, 74 Park Avenue, Block 601, Lot 8 (R-10 Zone)

Applicant seeks approval to construct a wood framed chimney for a gas-insert fireplace to be located on the southwest exterior side wall of the house, approximately 2' x 4.5' x 15' high. Relief is needed from Section 6.1.1B "Schedule of General Regulations" because the combined side yard setbacks are less than the required 30' and the building and total lot coverage percentages will be further increased. Existing, nonconforming issues are lot area; lot width; principal side yard and combined side yard setbacks; building coverage; and total lot coverage.

David Peluso was present and stated that they recently purchased the house at 74 Park Avenue. They are doing extensive renovations to the house and are looking to put in a gas fireplace. The house does not have one. They need to bump out into the side yard by 2 feet and go up with a chimney. The dimensions will be 2 ft. x 4.5 ft. wide x 15 ft. high. The structure will be cantilevered.

The combined side setbacks are required to be 30 ft. Although the side where the chimney is being installed will have a setback of more than the 12 ft. required, the combined side setbacks are currently insufficient (less than the 30 ft. required), and the proposed chimney will further impact this, although by only 2 feet. The lot is under-sized at 7500 sq. ft.

Existing impervious coverage numbers are nonconforming, and impervious coverage will increase only slightly as a result of the fireplace.

The application was deemed complete, and Mr. Peluso was reminded to mail out the Legal Notices and return to the Board for the public hearing on March 24.

App.#2-16: Wireless EDGE Towers, LLC & Co-Applicant: New York SMSA Limited Partnership (d/b/a Verizon Wireless), 175 Watchung Blvd., Bl. 4903, L. 36 (OL-Zone)

Wireless EDGE is the tower company that won the Board of Education's bid to place a monopole and compound on the property and is appearing before the Board of Adjustment for approval of the monopole and the placement of Verizon's antennas at a centerline height of 124' on the monopole. Verizon will also place its related equipment at the base of the pole. Wireless telecommunications antennas are not permitted in the OL-Zone; therefore, the Applicant is seeking use variance and a height variance. The Applicant is also seeking preliminary and final site plan approval.

Judy Fairweather, Esq., stated that she was there on behalf of Wireless Edge and Verizon. The Board of Education went out to bid, and Wireless Edge won the bid. The rent will be \$42,120 per year with a 3% increase every year. It is a 25-year lease. The school also wanted a lightning detector on the building which Wireless Edge will be installing.

The height of the monopole is 130 ft. with Verizon at the top. There are 10 ft. increments for other carriers. If any other carriers come, the Board of Education receives 40% of that rent. Verizon will put its equipment at the base of the pole.

Judy Fairweather introduced the civil engineer, Josh Cottrell, who confirmed that he is a licensed professional engineer in New Jersey with French & Parillo Associates. Mr. Cottrell reiterated that the height of the monopole will be 130 ft. There will be provisions on the monopole for municipal wip antennas for emergency services. When asked about the height of the wips, Mr. Cottrell stated that the height would depend on the requirements of the municipal needs but they would add a bit to the height.

The compound below will be 50 ft. x 50 ft. The distance to the nearest residential property would be 331 ft.

Chairman Ray Sullivan inquired if this would be two applications or only one. Ms. Fairweather replied that there would be only one application, because there can be no pole without Verizon – the applicant who will be at the top of the pole with antennas. A use variance, height variance and site plan approval will be required; part of the application will be Verizon proving their need.

Dan Bernstein, asked about the capacity on the tower for different carriers. Ms. Fairweather explained that the tower is designed to accommodate five levels of antenna arrays, so potentially there could be up to five carriers. The compound – which will be 50 ft. x 50 ft. – should be able to accommodate five carriers and therefore in the event of an approval, a condition limiting the size of the compound to 50 ft. x 50 ft. would be acceptable to the applicant.

Dan Bernstein explained that the first carrier – the applicant, Verizon in this case – applies to the Board to obtain the approval. Once the tower is erected by Verizon, it's more or less a "free ride" for the other four carriers as long as they meet certain parameters. (The other carriers would not need to return to the Board for an approval.) Ms. Fairweather summarized the federal conditions that need to be met for a new carrier to come in:

- Can't increase the height of the tower by more than 10%
- Can't come off the side of the tower by more than 20 feet
- Can't increase the compound area
- The equipment that's being installed on the ground can't be more than 10% of the existing equipment that's there

Ray Sullivan inquired as to whether any vegetation would need to be removed. According to Mr. Cottrell, some vegetation, such as scrub brush and smaller trees, will need to be removed.

Ms. Fairweather was asked to bring in the radiation expert to discuss federal and state regulations. Ms. Fairweather added that on the 24th they will bring their civil engineer, radio frequency engineer, and planner, David Karlebach. They'll also bring someone by the name of Ron Peterson to cover health aspects for the interested public.

The application was deemed complete and scheduled for public hearing on March 24, 2016. Ms. Fairweather confirmed that they would take care of the newspaper notice and notices to property owners.

Adjournment:

A motion was made by Mr. Sullivan, seconded by Mr. Nappi, to adjourn the meeting. The voice vote was unanimous and the meeting was adjourned at 7:56 p.m.

Connie Valenti, Secretary